

Attorney Docket No. SIEB-045/00US

PATENT

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Date: October 24, 2002

By:

Sherry Duncan Bitler

Sherry Duncan Bitler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Robins

Serial No.: 09/540,391

Examiner: J. Reagan

Confirmation No.: 2190

Art Unit: 3621

Filed: 02/14/2002

FOR: FEATURE CENTRIC RELEASE MANAGER METHOD AND SYSTEM

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Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF RESPONSE

Enclosed are the following documents in response to the Office Action mailed July 24, 2002 for the above-identified application:

- ☒ Response to 7/24/02 Office Action
- ☐ Petition for Extension of Time
- ☐ Terminal Disclaimer
- ☐ Request for Approval of Drawing Changes
- ☐ Information Disclosure Statement
- ☐ Notice of Appeal
- ☐ Associate Power
- ☐ Revocation and New Power by Assignee and Statement under 37 C.F.R. §3.73(b)
- ☐ Change of Address
- ☒ Return receipt postcard
- ☐ Check No. ___ in the amount of \$ ___ for the total fee as calculated below[] Other:

The fee has been calculated as follows:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Claims		- 20 =		x \$18.00	
Independent Claims		- 3 =		x \$84.00	
If multiple dependent claims are presented, add \$280.00					
Total Amendment Fee					
If small entity status is applicable, subtract 50% of Total Amendment Fee					
Other fees: (specify)					
TOTAL FEE DUE					

☐ A check for the total fee is attached.

☐ Please charge \$ to Deposit Account No. 50-1283 for the total fee. This paper is being submitted in duplicate.

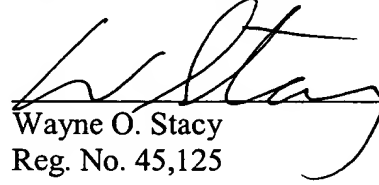
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: October 24, 2002

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Attorney Docket No. SIEB-045/00US

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Date: October 24, 2002

By:

Sherry Duncan Bitler
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Robins

Serial No. 09/540,391

Examiner: J. Reagan

Filed: March 31, 2000

Art Unit: 3621

FOR: FEATURE CENTRIC RELEASE MANAGER METHOD AND SYSTEM

Commissioner for Patents
Washington, D.C. 20231

Dear Sir,

RESPONSE

✓ Claims 15-17 and 23-28 are pending in the present application. Of these claims, claims 15-17 and 23-28 stand rejected. Applicant respectfully requests that the Examiner consider the following remarks regarding the rejections.

Regarding Claims 15, 16, 26 and 27

Claims 15, 16, 26 and 27 stand rejected under 35 USC §103(a) as being unpatentable over "User's Guide for Microsoft Project" herein referred to as "*Microsoft Project*" in view of "Using Microsoft Project 4" herein referred to as "*Project 4*." Applicant respectfully requests reconsideration of the rejections.

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Claim 15, for example, recites, among other limitations "describing the product in terms of its plurality of product features." This limitation is neither taught nor suggested by the applied references when taken individually or in combination. In fact, the Office Action of July 24, 2002 expressly states that *Microsoft Project* does not specifically disclose "describing the product in terms of its plurality of product features." Additionally, the Office Action does not state that the other applied reference, *Project 4*, discloses the Applicant's claimed step of "describing the product in terms of the plurality of product features." Accordingly, the Office Action does not establish or even suggest that all of the claimed limitations are taught or suggested by the applied references when taken individually or in combination.

In re Roica, 490 F.2d 981 (CCPA 1974) and MPEP § 2143.03 state that to establish *prima facie* obviousness of a claimed invention, all of the claimed limitations must be taught or suggested by the prior art. As explained above, the Office Action fails to indicate that all of the claimed limitations are taught or suggested by the applied references. Accordingly, Applicant respectfully submits that the Office Action does not establish the *prima facie* case of obviousness as required.

As discussed in the interview of September 26, 2002, Applicant's attorneys request that the Examiner point the Applicant to the prior art or combination of prior art that teaches or suggests Applicant's claimed limitations, including the step of "describing the product in terms of the plurality of product features." Applicant's attorneys thank the Examiner for indicating in the interview that he would identify such a reference. To the extent that the Examiner wishes to rely on common knowledge or the assertion that the limitation is "well known prior art," Applicant requests that the Examiner take official notice of the relevant facts and cite a reference in support of those facts. If, however, the Examiner wishes to rely on his personal knowledge, Applicant requests that the Examiner specifically state the relevant facts in an affidavit in accordance with *MPEP §2144.03*. Without this additional material, Applicant submits that Claim 15 and those claims dependent therefrom, are in condition for allowance and respectfully requests such an indication. Similarly, Applicant submits that Claims 26 and 27, which contain similar

limitations to those described above for claim 15, would also be allowable over the combination of cited references presented in the Office Action.

Regarding Claims 23 and 24

Claims 23 and 24 are rejected under 35 USC §103(a) as being unpatentable over *Microsoft Project/Project 4* in view of *Eisener*, "The Essentials of Project and Systems Engineering Management." Claim 23 recites, among other elements "a product feature list user interface by which a user enters desired features of the product to be released" and "an engineering task list user interface . . . to implement the product features entered in the feature list user interface." Applicant respectfully submits that the combination of the cited references does not teach, suggest, or rendered obvious these claimed elements when taken in combination with the other claim limitations.

With regard to the "product feature list user interface" and the "engineering task list user interface," the Office Action appears to rely solely on *Microsoft Project/Project 4* to teach or suggest these limitations. *Microsoft Project/Project 4*, however, does not teach, suggest or render obvious either of these elements as claimed. For example, *Microsoft Project/Project 4* does not disclose a "product feature list user interface by which a user enters desired features of the product to be released." In fact, the Office Action expressly states that *Microsoft Project* does not even disclose describing a project in terms of plurality of product features. *Eisener* does not cure this deficiency in *Microsoft Project/Project 4*. Rather, *Eisener* is applied to the claimed invention in combination with *Microsoft Project/Project 4* to disclose evaluation, quality assurance, and documentation procedures. The Office Action does not state or suggest that *Eisener* teaches or suggests any type of "product feature list user interface" or "engineering task list user interface." Accordingly, Applicant submits that neither of the references teach, suggest or disclose the claimed "feature list user interface" or the "engineering task list user interface," and thus, the combination of the applied references cannot teach, suggest or render obvious the recited limitations of the claim. Accordingly, Applicant

respectfully submits that claim 23, and those claims dependent therefrom, are distinguishable over the combination of the applied references.

As discussed in the interview, Applicant requests that the Examiner provide any additional references or provide official notice or an affidavit of personal knowledge regarding those limitations missing from the combination of the references. Without this additional information, however, Applicant submits that claim 23 and those claims dependent therefrom are in condition for allowance and request such indication.

Regarding Claims 17 and 28

Claims 17 and 28 stand rejected under 35 USC §103 as being unpatentable over *Project/Project 4*, further in view of Kroenke, "Database Processing; Fundamentals, Design, and Implementation." Claims 17 and 28 are dependent from claims previously discussed. Applicant respectfully submits that claims 17 and 28 are allowable at least because they are dependent from allowable claims. Accordingly, Applicant respectfully requests an indication of allowability for claims 17 and 28.

CONCLUSION

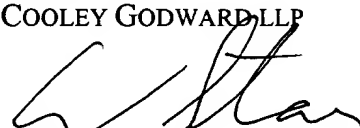
In view of the foregoing, Applicant respectfully submits that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability.

Dated: October 24, 2002

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